IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22189 of 2004

Between:

P. Gangadhar Rao S/o Late P. hanumantha rao
R/o 19-2-105, Tadbund, Miralam Tank Road, Badhurpura, Hyderabad

..... PETITIONER

AND

1 Commissioner of Police, Hyderabad Basheerbagh, Hyderabad
2 Deputy Commissioner of Police, South Zone, Hyderabad
3 Asst. Commissioner of Police Charminar, Hyderabad
4 SHO. PS Kalapathal Hyderabad
5 Abdul Rehman Quadri
R/o 19-4-280/B/115/22, Khaja Pahadi, Tabdund, Miralam Tank Road,

Badhurpura, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or orders one in the nature of Writ of Mandamus by declaring the inaction of the respondent No.1 to 4 for not considering the application of the petitioner herein dt 20-9-2004 and 12-10-2004 for not providing the police protection by the respondent No.2 in view of the police protection order passed in I.A 742/2004 in O.S. 7724/2003 by the VIII Jr. Civil Judge, City Civil Court Hyderabad in view of the injunction order passed in CMA 40/2004 by the Hon'ble Chief Judge, City Civil Court, Hyderabad and confirmed in CRP2372/2004 dt 29-6-2004 by the Hon'ble High Court of A.P. in respect of Plot No. 40, admeasuring 253 sq. yards in ward No. 19, Sy. No. 257 situated at Tadban, Hyderabad and declare the same as totally illegal, arbitrary against the

principle of natural justice.

Counsel for the Petitioner:MR.SURESH SHIV SAGAR

Counsel for the Respondents 1 to 4: GP FOR HOME

Counsel for Respondent No.5 : Mr. A.Pulla Reddy

The Court at the stage of admission made the following ORDER:

Petitioner seeks a direction to respondents 1 to 4, to accord protection to his possession over the land, which is the subject matter of O.S.No.7724 of 2003 on the file of the VIII Junior Civil Judge, City Civil Court, Hyderabad.

The petitioner filed O.S.No.7724 of 2003 for the relief of perpetual injunction. He also filed an application under Order 39 Rule 1 C.P.C. for grant of temporary injunction. The trial Court dismissed the same. In an appeal preferred by the petitioner, an order of temporary injunction was granted. The same is said to have been confirmed in a revision preferred by the fifth respondent.

The petitioner filed I.A.No.742 of 2004 before the trial Court for a direction to the fourth respondent to grant police protection. The I.A. is said to have been ordered. The petitioner complains that despite the same, the fourth respondent has not taken any steps.

Heard learned counsel for the petitioner, learned Government Pleader for Home for respondents 1 to 4 and Sri A. Pulla Reddy, learned counsel for the fifth respondent.

Learned counsel for the parties have urged several contentions touching the merits of the matter. It is impermissible to undertake extensive discussion in relation to the same in this writ petition. The fact remains that an order of temporary injunction is subsisting in favour of the petitioner and as long as the same is in force, the protection needs to be accorded. It is true that during the course of cross-examination, the petitioner herein has given certain answers

which lead to a semblance of uncertainty. Learned counsel for the fifth respondent submits that under the guise of temporary injunction, the petitioner intends to disturb the possession of the fifth respondent over the constructed property. The same cannot be the purport of an order of temporary injunction. The suit is already at an advanced stage and in all probability, it is likely to be disposed of by the end of December 2004. Whatever be the nature of interference or the objections among the parties, to avoid further complications, it is directed that neither the petitioner nor the fifth respondent shall undertake any construction over the existing open area. This observation cannot be read as a pronouncement as to the nature of possession of the properties. The fourth respondent is directed to ensure that no construction takes place in the meanwhile.

The writ petition is accordingly disposed of. No order as to costs.

06.12.2004

ksld

To

1 Commissioner of Police, Hyderabad Basheerbagh, Hyderabad

2 Deputy Commissioner of Police, South Zone, Hyderabad
3 Asst. Commissioner of Police Charminar, Hyderabad
4 SHO. PS Kalapathal Hyderabad
5 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad (OUT).

6 Two CD copies.